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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,947	04/15/2004	Ralph E. Wesinger JR.	GRAPH-005COS	8226

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EXAMINER
MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
2165	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/825,947	WESINGER ET AL.
	Examiner	Art Unit
	Tony Mahmoudi	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 June 2007_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-16_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _15 April 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _4/24/07 - 7 Pages_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 20-June-2007, claims 17-24 are canceled and claims 1 and 9 are amended per applicant's request. Therefore, claims 1-16 are presently pending in the application, of which, claims 1 and 9 are presented in independent form.

Information Disclosure Statements

2. The following IDS submissions have been considered by the Examiner in this Office Action (copies attached):

IDS Submission Date	# of pages
24-April-07	3
24-April-07	4

Terminal Disclaimer

3. The Terminal Disclaimer filed on 20-June-2007 disclaiming the terminal portion of any patent granted on this application has been reviewed and is **NOT accepted**.

4. The Terminal Disclaimer **does not** comply with 37 CFR 1.321(b) and/or (c) because:

It is directed to a particular claim or claims, which is not acceptable, since "the disclaimer must be of a terminal portion of the term of the entire [patent or] patent to be granted." See MPEP § 1490.

A new Terminal disclaimer is required to overcome the outstanding Double Patenting rejection.

Response to Arguments

5. Applicant's arguments regarding the submission of a Terminal disclaimer has been noted and fully considered but it is not deemed persuasive in view of the submitted Terminal Disclaimer's failure to comply with 37 CFR 1.321(b) and/or (c), as detailed above. The Provisional Double Patenting rejection is therefore maintained by the Examiner.

6. Applicant's arguments filed on 20-June-2007 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection presented in this Office Action.

Specification

7. The disclosure is objected to because it contains embedded hyperlink(s) and/or other forms of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

An example of the hyperlink(s) is visible in the specification in:

paragraph 58 http://webwho.com/view?id=xxxx

Appropriate corrections are required.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent

possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985);

In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438,

164 USPQ 619 (CCPA 1970); and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA

1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this

application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37

CFR 3.73(b).

9. Independent claims 1, 9, and 17 of the instant application are *provisionally* rejected under the

judicially created doctrine of double patenting over claims 1, 8, and 15 of copending

Application No. 11/381,222 (Wesinger, JR. et al., U.S. Publication No. 2006/0190444 A1.)

Claims 1, 8, and 15 of Patent Application No. 11/381,222 (Wesinger, JR. et al., U.S.

Publication No. 2006/0190444 A1) contains every element of claims 1, 9, and 17 of the

instant application and as such anticipates claims 1, 9, and 17 of the instant application.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the

written description requirement. The claim(s) contains subject matter, which was not

described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention.

Amended independent claims 1and 9 (and their respective dependent claims, where

applicable) recite the limitation of, "using a web browser *without the need for any*

additional software necessary to interact with said publicly accessible database." The

recitation of "*without* the need" introduces a Negative Limitation in the claims. According

to the MPEP, "[a]ny negative limitation or exclusionary proviso must have basis in the

original disclosure" (See MPEP § 2173.05(i)).

Appropriate corrections are required.

The newly added limitation of, "using a web browser *without the need for any*

additional software necessary to interact with said publicly accessible database", also

introduces *new matter* into the claims. Nowhere throughout the originally filed specification,

does any reference exist for the limitation of, "*without the need for any additional software*

necessary to interact with said publicly accessible database."

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Bernstein et al.</u>

(U.S. Patent No. 5,297,249, hereinafter referred to as **Bernstein**), in view of <u>Rogers et al.</u>

(U.S. Patent No. 5,752,246, hereinafter referred to as **Rogers**.)

As to Claim 1, **Bernstein** teaches a method (see Abstract) for displaying search results

(see column 28, lines 34-39) comprising:

providing a web-accessible database containing content searchable by a networked user

(see "network" in column 7, lines 25-42, and see column 10, lines 27-31), said database

including a plurality of search functions available to the user (see column 29, lines 21-34);

producing a set of results responsive to one of said search functions being invoked by the user (see column 27, line 66 through column 28, line 18); and

displaying said results to the user arranged in categories responsive to said invoked search function (see column 28, lines 34-39); and

said content stored in said we-accessible database (see column 19, lines 50-62), and indexed in a user-defined category using a web browser without the need for any additional software necessary to interact with said accessible database.

Bernstein does not explicitly teach searching content over a public network; and

displaying the results on an HTML-formatted web page,

wherein said content is provided by users of said public network, stored in said we-accessible database, and indexed in a user-defined category using a web browser without the need for any additional software necessary to interact with said accessible database.

However, **Rogers** teaches a service agent for fulfilling requests of a Web browser (see Abstract, and see column 1, lines 15-20), in which he teaches:

searching content over a public network (see figure 1, see column 9, lines 18-64, and see column 12, line 67 through column 13, line 10 and column 17, lines 15-21);

displaying the results on an HTML-formatted web page (see column 7, lines 58-61, and see column 13, lines 11-20); and

wherein said content is provided by users of said public network (see column 10, lines 50-55), stored in said we-accessible database (see column 11, lines 13-24), and indexed in a user-defined category (see column 19, lines 33-52) using a web browser without the need for any additional software necessary to interact with said accessible database (see "without

needless user intervention" in column 4, lines 59-60, and see "without requiring a consistent interface solution" in column 5, lines 14-17.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Bernstein** by the teachings of **Rogers**, because doing so would enable the user to expand the searching beyond a local computer or a local network and be able to search multiple computers for desirable content within a public network such as the Internet and be able to provide the results as a web page directly from the databases from which desirable content is retrieved, without having to use any applications or programs and without having to modify the presented format. As stated by **Rogers**, "our invention may be employed in a distributed computer system environment which has internal or intranet networks represented in our preferred embodiment by the DIS Network 13 and external networks including the Internet to connect clients to World Wide Web servers and other servers within the system in which our invention is situate" (see column 9, line 65 through column 10, line 7.)

As to Claims 2 and 10, **Bernstein** as modified, teaches further comprising the step of displaying categories similar to the keyword used for the search (see **Bernstein**, column 23, lines 44-50, where "similar" is read on "relevant".)

As to Claims 3 and 11, **Bernstein** as modified, teaches wherein a database search routine is invoked corresponding to the particular search function chosen by the user (see **Bernstein**, column 7, lines 53-64.)

As to Claims 4 and 12, **Bernstein** as modified, teaches wherein said search function comprises a search by example (see **Bernstein**, column 14, lines 20-46.)

As to Claims 5 and 13, **Bernstein** as modified, teaches wherein said search function comprises a search by keyword (see **Bernstein**, column 1, lines 24-29, and see column 10, lines 27-51.)

As to Claims 6 and 14, **Bernstein** as modified, teaches wherein said search function comprises a search by category (see **Bernstein**, "four search criteria" in column 28, line 50 through column 29, line 4.)

As to Claims 7 and 15, **Bernstein** as modified, teaches further including the act of displaying non-textual information associated with said results (see **Bernstein**, column 8, line 47 through column 9, line 28, where "non-textual" is read on "motion video" and "graphical images"; also, see figure 3.)

As to Claims 8 and 16, **Bernstein** as modified, teaches wherein said non-textual information includes graphics (see **Bernstein**, figures 3, and figures 7-15.)

As to Claim 9, **Bernstein** teaches an apparatus for displaying search results (see Abstract, and see figures 7-8) comprising:

a networked computer (see column 7, lines 25-31) hosting a web-accessible database

containing content searchable by a networked user (see "network" in column 7, lines 25-42,

and see column 10, lines 27-31), said computer configured to:

provide a plurality of search functions to the user (see column 29, lines 21-34);

produce a set of results responsive to one of said search functions being invoked by the

user (see column 27, line 66 through column 28, line 18); and

display said results to the user arranged in categories responsive to said invoked search

function (see column 28, lines 34-39.)

Bernstein does not explicitly teach searching content over a public network; and

displaying the results on an HTML-formatted web page,

wherein said content is provided by users of said public network, stored in said we-

accessible database, and indexed in a user-defined category using a web browser without the

need for any additional software necessary to interact with said accessible database.

However, **Rogers** teaches all of the above limitations. The Applicant is directed to the

remarks and discussions made in claim 1 above in view of the teachings of **Rogers**.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of

this final action.

15. Any inquiries concerning this communication or earlier communications from the examiner

should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The

examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

August 20, 2007

/Tony Mahmoudi/

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